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June 16, 2006

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Gloucester Commons
PROJECT MUNICIPALITY : Gloucester
PROJECT WATERSHED : Gloucester Harbor
EOEA NUMBER : 13779
PROJECT PROPONENT : Sam Park & Company
DATE NOTICED IN MONITOR : April 26, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of an Environmental Impact Report (EIR).

According to the Expanded Environmental Notification Form (EENF), the proposed project entails the phased construction of a mixed-use development that will include approximately 180,000 square feet of retail uses and a 120-unit senior care facility with ancillary commercial uses on the ground floor. The project site is located on a 36-acre site bounded by the Route 128 Extension to the north, the Fuller Elementary School to the west, residential areas to the southwest and east, and a public playing field to the south. The project consists of the two distinct phases. The proposed Phase I will include the 120-unit senior care facility and 20,000 square feet of retail space, as well as approximately 250 parking spaces and all site access road improvements. Phase II will complete the project at a later date with 160,000 square feet of additional retail space and 700 parking spaces. According to information included in the EENF, Phase I of the project is expected to generate 1,519 vehicle-trips on an average weekday, and Phase II will generate 6,479 for a total of 7,998 vehicle trips on an average weekday.

This project is subject to a mandatory EIR pursuant to Sections 11.03(1)(a)(2), 11.03(6)(a)(6), 11.03(2)(b)(1), and 11.03 (3)(b)(d) of the MEPA regulations because it will create ten or more acres of impervious area, generate 3,000 or more new vehicle trips, and 5,000 of more square feet of bordering or isolated vegetated wetlands. The project will require a Sewer Connection/Extension Permit from the Department of Environmental Protection (DEP) and an

Access Permit from the Massachusetts Highway Department (MHD). Although not indicated in the EENF, DEP has stated that the project may require a 410 Water Quality Certificate. It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. The project requires an Order of Conditions from the Gloucester Conservation Commission and a Comprehensive Permit from the Gloucester Zoning Board of Appeal pursuant to M.G.L. Chapter 40B (and hence an approval from the Massachusetts Housing Appeals Committee if the local Comprehensive Permit is appealed). Because the proponent is seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to all aspects of the project that may have significant environmental impacts.

The proponent has requested that I consider a Phase I Waiver for this project. I have determined that the proponent appears to have made a reasonable case for a Phase I Waiver, and I will publish a Draft Record of Decision after June 16, 2006.

SCOPE

As modified by this scope, the EIR should conform to Section 11.07 of the MEPA regulations for outline and content. The Draft EIR should resolve the remaining issues outlined below. It should address the substantive comments listed at the end of this Certificate, and it should include a copy of this Certificate and all comment letters.

Project Description:

The EIR should provide a detailed project description with a summary/history of the project. It should include existing and proposed site plans. The Draft EIR should identify and describe the project phasing.

The EIR should include a conceptual-level landscaping plan and building elevations from all sides. It should identify any proposed lighting impacts on adjacent residential structures.

Permitting and Consistency:

The EIR should include a brief description of each state permit or state agency action required for the project. The EIR should demonstrate that the project design would meet any applicable performance standards. The EIR should also discuss the consistency of project design with any applicable state policies. The EIR should describe the local permitting process, and fully explain any design implications or constraints imposed by local requirements.

Alternatives Analysis:

The EIR should discuss and compare the Preferred Alternative and the No-Build

Alternative. It should summarize the alternatives already developed for the project site by the proponent.

Response to Comments:

The EIR should contain substantive responses to the comments received for all comments within MEPA jurisdiction. The EIR should present additional narrative and/or analysis where necessary to respond to the concerns raised.

Wastewater:

The EENF indicates that there is sufficient capacity in the existing collection system in Green Street to accommodate the estimated 62,000 gallons per day (gpd) of new wastewater flow from the project. Wastewater generated by the project will discharge to the City of Gloucester's municipal sewer system and ultimately to the City's Water Pollution Control Facility. The EIR should include estimates of wastewater generation from the project, and should evaluate the environmental impacts of project-related generation of wastewater. The EIR should describe any infrastructure improvements necessary to accommodate projected wastewater flows, and should document the proponent's plans for reduction of Inflow/Infiltration into the municipal system. The EIR should investigate feasible methods of reducing wastewater generation, including development of a water conservation program. The EIR should investigate the feasibility of using some or all project wastewater as a source of groundwater recharge.

Despite dry weather capacity, there will be impacts during wet weather and combined sewer overflow (CSO) activations. Where the flows from the proposed development will have adverse impacts on the local sewer infrastructure or may affect the benefits expected from the City's long-term CSO control plan, mitigation for the wastewater generated by this project will be required. The EIR should explain the wet weather flow capacity deficiencies that result in activation of the CSOs, and include mitigation commitments to offset the project's flows in areas with sewer deficiencies.

Wetlands/Water Quality:

This project would alter a total of 21,760 sf of isolated wetland. This impact should be described, quantified, and shown on a plan at a readable scale in the EIR. The plans should also note any applicable local wetlands and/or buffer zone requirements. The EIR should explain the significance of each wetland area on the site to the interests enumerated in the Wetlands Protection Act.

From the information in the EENF (pageA-41) on the vegetation in the isolated wetland, it appears that this resource area is an isolated vegetated wetland (ivw) which would exceed 5,000 square feet. Therefore, the project requires a 410 Water Quality Certificate. The EIR

should address this issue. Assuming that an individual 401 Water Quality Certificate is required, the EIR should include an alternatives analysis that conforms to the requirements in the Water Quality Certificate regulations, pursuant to 314 CMR 9.06.

Where opportunities exists, consideration should be given to project alternatives and site design changes to demonstrate fully that the project conforms to the wetlands and 401 Water Quality regulations, and show that the wetlands impacts have been avoided and minimized to the extent feasible. The EIR should also include plans depicting and quantifying wetlands replication areas and information on how altered wetland functions will be restored.

The EIR should also analyze indirect impacts to wetlands from receipt of drainage and stormwater runoff from the site. The EIR should discuss the consistency of the stormwater management plan with DEP guidelines, and should include a schematic drainage plan. The EIR should also address in detail the issues raised by DEP.

Stormwater:

The EIR should demonstrate that source controls, pollution prevention measures, erosion and sediment controls during construction, and the post-development drainage system will be designed to comply with the Massachusetts Stormwater Management Policy and standards for water quality and quantity impacts and with Gloucester's Storm Water Program. Calculations, stormwater system design plans at a readable scale, best management practice (BMP) designs, and supporting information should supplement the information provided in the EENF to affirm that the stormwater system design provides adequate protection for wetland resources in conformance with the Policy and the City's NPDES Storm Water General Permit.

Archaeology:

The proponent plans to conduct a pre-blast archaeology survey on the project site. The Massachusetts Historical Commission (MHC) has determined that the proponent should consider the potential for vibration impacts to the Old Rockport Road Stone Bridge (MHC #GLO.902), which has been determined to be eligible for listing in the National Register of Historic Places. The EIR should contain the results of the survey. The proponent should also attempt to avoid impacts to this site. If necessary, the EIR should detail any mitigation for impacts that are demonstrated to be unavoidable. The proponent should consult with and work closely with MHC.

Transportation:

The EENF included a traffic study that generally conforms to the EOEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments. The proponent has met with MHD to discuss several alternatives for site access and has indicated that the full build-out would require direct access to

Route 128 via a signalized intersection. The traffic study included a right-in, right-out only site drive for Phase I of the project, and signalization of the Route 128 Loop Road intersection at full build-out. The direct access to Route 128 would require approval by MHD for a break in the "no access" sideline designation. MHD is concerned about granting access at this location because of grade issues, the proximity of Blackburn Circle and the introduction of a signalized intersection on this limited access highway. The traffic study included in the EENF examined four alternatives for access to Route 128. Alternatives that allowed a left turn into the site from Route 128 were not recommended because it would degrade the level of service on Route 128. The alternative allowing left turns out of the site, which is the proponent's preferred alternative, presents several policy and technical issues. This alternative only benefits the development at the expense of regional traffic, introduces a conflict point on a down grade less close to the rotary, limits sight distance for vehicles already traveling at fairly high speeds exiting the rotary and not expecting to encounter a signal. The introduction of a signal could increase potential rear end and angle accidents. Despite traffic operations and safety concerns, MHD has indicated support for the right-in, right-out alternative to provide access to the full development. MHD believes that this configuration will provide ample access to serve the project, the school, and future development in the area with limited impact to traffic operations and safety at this location.

The EIR should include a revised traffic study prepared in conformance with the EOEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments and should identify appropriate mitigation measures for areas where the project will have an impact on traffic operations. The proponent should provide a clear commitment to implement mitigation measures and should describe the timing of their implementation based on the phases of the project, if any. The EIR should present capacity analyses and a summary of average and 95th percentile vehicle queues for each intersection within the study area.

The EIR should reevaluate the different geometric improvements and traffic calming measures to be evaluated and designed with MHD approval for Phase I of the project. The proponent may also reevaluate additional site access proposal for the full build-out while also considering overall development potential in the vicinity of the project.

The EIR should include conceptual plans for the proposed roadway improvements that should be of sufficient detail to verify the feasibility of constructing such improvements. The conceptual plans should clearly show proposed lane widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to areas where improvement are proposed. Any mitigation within the state highway layout must conform to MHD's standards, including but not limited to, provisions for lane, median and shoulder widths, and bicycle lanes and sidewalks.

Transportation Demand Management:

The EIR should outline the proponent's Transportation Demand Management (TDM)

Program. The EIR should include a commitment to provide a Transportation Demand Management (TDM) program aimed at reducing site trip generation. This may include an employee rideshare matching program, work shift hours, and direct deposit payment of salaries.

Public Transit:

The project proponent has identified the potential for the Cape Ann Transportation Authority (CATRA) to serve the site. I encourage the proponent to provide subsidy for employees to use the service and to make special arrangement for CATRA to serve the senior care facility.

Pedestrian and Bicycle Facilities:

The proponent should also ensure adequate and safe pedestrian circulation between the senior care facility, the retail space, the school, and the nearby neighborhood. The EIR should show where sidewalks currently exist on a map of the project site and where the proponent proposes sidewalks. The EIR should identify how these sidewalks would connect to other sidewalks and proposed to construct crosswalks. It should identify the proposed bicycle facility improvements included with this project. Bicycle parking/storage areas should be identified on a plan.

Construction:

The EIR should present a discussion on potential construction period impacts (including but not limited to noise, dust, blasting, wetlands, and traffic maintenance) and analyze feasible measures that can avoid or eliminate these impacts.

Sustainable Design:

This project presents a good opportunity to successfully incorporate cost-effective sustainable design elements and construction practices into the project. These elements can minimize environmental impacts and reduce operating costs. I strongly encourage the proponent to consider incorporating elements, such as those noted below, into its project design, construction and management for both Phase I and II of the project:

- water conservation and reuse of wastewater and stormwater
- renewable energy technologies to meet energy needs
- optimization of natural day lighting, passive solar gain, and natural cooling
- energy efficient HVAC and lighting systems, appliances and other equipment, and solar preheating of air
- building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy

- easily accessible and user-friendly recycling system infrastructure into building design
- development of a solid waste reduction plan
- development of an annual audit program for energy consumption, waste streams, and use of renewable resources.

Mitigation:

The EIR should include a separate chapter on mitigation measures. This chapter on mitigation should include a proposed Section 61 Finding for all state permits. The proposed Section 61 Finding should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation should also be included.

Circulation:

The EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to Gloucester officials. A copy of the EIR should be made available for public review at the Gloucester Public Library.

June 16, 2006

Date


Stephen R. Pritchard

Comments received:

05/18/06	Department of Environmental Protection, NERO
05/24/06	Gloucester Housing Authority
05/31/06	Massachusetts Historical Commission
06/12/06	Office of Transportation Planning

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